

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ चे कलम ३७(१कक)(ग) अन्वये मंजूरी.

नागपूर महानगरपालिका विकास नियंत्रण नियमावलीमध्ये नवीन नियम क्र.३८ व अपेंडिक्स यु समाविष्ट करण्याबाबत.

महाराष्ट्र शासन
नगर विकास विभाग,
शिबीर कार्यालय, नागपूर.
शासन निर्णय क्र.टिपीएस-२४०९/नाशिका-४/प्र.क्र.३६५/०९/नवि-९
दिनांक: १५ डिसेंबर, २००९.

शासन निर्णय:- सोबतची अधिसूचना महाराष्ट्र शासनाचे राजपत्रात कृपया प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(प्रदीप गोहिल)
कार्यासन अधिकारी.

प्रति,

- १) सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई-३२.
- २) अध्यक्ष, महाराष्ट्र गृहनिर्माण व क्षेत्र विकास प्राधिकरण, गृहनिर्माण भवन, वांद्रे (पूर्व), मुंबई.
- ३) विभागीय आयुक्त, नागपूर विभाग, नागपूर.
- ४) आयुक्त, नागपूर महानगरपालिका, नागपूर.
- ५) सभापती, नागपूर सुधार प्रन्यास, नागपूर.
- ६) संचालक, नगररचना, महाराष्ट्र राज्य, पुणे.
- ७) मुख्य अधिकारी, गृहनिर्माण व क्षेत्र विकास मंडळ, सिव्हील लाईन्स, नागपूर.
- ८) जिल्हाधिकारी, नागपूर.
- ९) उपसंचालक, नगररचना, नागपूर विभाग, नागपूर.
- १०) सहायक संचालक, नगररचना, नागपूर शाखा, नागपूर.
- ११) व्यवस्थापक, शासकीय मुद्रणालय, नागपूर.

(त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात नागपूर विभागीय पुरवणी भाग-१ मध्ये प्रसिध्द करण्यात येवून त्यांच्या प्रत्येकी १० प्रती या विभागास, उपसंचालक, नगररचना, नागपूर विभाग, नागपूर व संचालक, नगररचना, महाराष्ट्र राज्य, पुणे यांना पाठविण्यात याव्यात.)

(१२) कक्ष अधिकारी, नवि-२९, नगर विकास विभाग, मंत्रालय, मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेब साईटवर

देवावी.)

(१३) निवडनस्ती (नवि-९).

33

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.

Dated 15th December, 2009.

NOTIFICATION

The Maharashtra Regional & Town Planning Act, 1966.

No. TPS 2409/NCO-4/CR-365/09/UD-9: Whereas, the Development Control Rules (hereinafter referred to as "the said DCRs") for the area within the jurisdiction of Nagpur Municipal Corporation (hereinafter referred to as "the said Corporation") has been sanctioned by Government vide Urban Development Department's Notification No.TPS-2400/1684/CR-192/2000/UD-9, dated 31st March, 2001 to come into force with effect from 9th April, 2001;

And whereas, there is no provision to deals with Low Cost Housing Schemes of the Maharashtra Housing & Arca Development Authority (MHADA) in the said DCRs;

And whereas, Govt. in Housing Department has declared the "Housing Policy" (hereinafter referred to as "the said policy");

And whereas, the said policy proposed to allow redevelopment of MHADA colonies by providing higher FSI and to revise the size of old tenements. This will enable the present occupants to have better accommodation as well as create additional housing stock;

And whereas, Govt. felt it necessary in the public interest at large, to prepare a new set of regulation No. 38 to be added after the existing regulation No. 37 with Appendix "U" (hereinafter referred to as "the said proposed modification").

And whereas, in view of powers vested under sub-section (1AA) of section 37 of the Maharashtra Regional & Town Planning Act, 1966 (hereinafter referred to as the "said Act"), Government has issued notice No. TPB 2408/1924/CR-212/08/UD-9 dated 17th July, 2008 (hereinafter referred to as "the said notice") regarding incorporation of Rule No.38 regarding development/redevelopment of Low Cost Housing Schemes of MHADA in the said DCRs for the Nagpur Municipal Corporation area (hereinafter referred to as "the said modification") and inviting suggestions/objections from the general public within a period of one month from the date of publication of this notice in the official gazette. Also appointed the Dy.

Director of Town Planning, Nagpur Division, Nagpur having his office at Old Secretariat Building, Civil Lines, Nagpur as an officer under sub-section (1) of section 162 of the said Act (hereinafter referred to as "the said Officer") and who will submit his report to Government within 30 days after expiry of the above mentioned period;


And whereas, the said officer has submitted his report regarding the said modification on 5th December, 2008 to Government;

And whereas, after consulting the Director of Town Planning, Maharashtra State, Pune, Govt. is of the opinion that the said Modification should be sanctioned;

Now, therefore, in exercise of the powers vested under section 37(1AA) [c] of the said Act, Govt. hereby-

- A) Sanctions the said modification as mentioned in the "Schedule" attached herewith.
- B) Fixes the date of publication of this notification in the government gazette as the date of coming into force of this modification.
- C) Directs the said corporation to add new entry as per schedule enclosed herewith in the schedule of modifications appended to the Notification dated 31st March, 2001 sanctioning the said Development Control Regulations after last entry.

By order and in the name of the Governor of Maharashtra,


(Pradeep Gohil)
Section Officer

Note: This notice is also published on Department's web site at www.urban.maharashtra.gov.in

SCHEDULE


Accompaniment to Government in Urban development Department's Notice No. TPS 2409/NCO 4/CR-365/09/UD-9 dated 15th December, 2009.

Regulation No.38: Development/redevelopment of Housing Schemes of Maharashtra Housing & Area Development Authority:

- 1) The FSI for a new scheme on vacant lands of Low Cost Housing Schemes for Economically Weaker Section, Low Income Groups & Middle Income Group of the MHADA having at least 60% built up area in the form of tenements under EWS, LIG & MIG categories shall be 2.50.
- 2) For redevelopment of existing housing schemes of MHADA, undertaken by the MHADA departmentally or jointly with societies/occupiers of buildings or by housing societies/occupiers of building or by lessees of MHADA or by the developer, the FSI shall be as under -
 - a) Total permissible FSI shall be 2.5 on gross plot area.
 - b) The incentive FSI admissible against the FSI required for rehab shall be as under -
 - (i) In congested area, for the area upto 4000 sq.mt. the incentive FSI admissible will be 50%.
 - (ii) In congested area, for the area above 4000 sq.mt. the incentive FSI admissible will be 60%.
 - (iii) Outside congested area, for the area upto 4000 sq.mt. the incentive FSI admissible will be 60%.
 - (iv) Outside congested area, for the area above 4000 sq.mt. the incentive FSI will be 75%.
 - c) In the redevelopment scheme either -
 - (i) Difference between 2.5 FSI and the FSI required for "rehab + incentive" shall be shared between MHADA & Society/Developer in the ratio of 2:1.
 - d) In the scheme, for the land allotted for societies of MIG & HIG and developed plot allotted individually to MIG & HIG group, the permissible FSI shall be as per Table 28 of Appendix-N of Development Control Regulation 15.
- 3) In case of grant of NOC with additional permissible Builtup area over and above the permissible FSI by Nagpur Housing Board/MHADA for the purpose of undertaking Redevelopment/Utilisation, MHADA shall charge premium at the rate decided by Govt. in Housing Department from time to time.
- 4) For the purpose of calculating the FSI, the entire area of the layout including development plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub-division of plots will be permissible on the basis of compulsory open spaces as in these Regulations. For low cost housing schemes of MHADA


for EWS, LIG categories, the Regulations in Appendix-U (newly added after Appendix-T) shall apply.

- 5) For the purpose of this Regulation the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.
- 6) For the off site infrastructure, MHADA shall pay to the Nagpur Municipal Corporation 12.5% of the charges collected by MHADA for the grant of additional FSI (FSI over and above the normally permissible FSI) for the Redevelopment Schemes.
- 7) Notwithstanding anything contained in these regulations, the relaxations incorporated in Regulations No. 37 of these regulations shall apply for Housing schemes under this regulation for tenements under EWS/LIG and MIG categories. However, the front open space in no case shall not be less than 3.6 mt.
- 8) In any Redevelopment scheme where the Co-operative Housing Society/Developer appointed by the Co-operative Housing society has obtained No Objection Certificate from the MHADA/Nagpur Board thereby sanctioning additional balance FSI with a consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation) then it shall be obligatory for all the occupiers/members to participate in the Redevelopment Scheme and vacate the existing tenement for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provisions of section 95A of the MHADA Act mutatis mutandis shall apply for the purpose of getting the tenements vacated from the non co-operative members.
- 9) A corpus fund, as may be decided by MHADA, shall be created by the Developer which will remain with the societies for its maintenance.


(Pradeep Gohil)
Section Officer

for EWS, LIG categories, the Regulations in Appendix-U (newly added after Appendix-T) shall apply.

- 5) For the purpose of this Regulation the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.
- 6) For the off site infrastructure, MHADA shall pay to the Nagpur Municipal Corporation 12.5% of the charges collected by MHADA for the grant of additional FSI (FSI over and above the normally permissible FSI) for the Redevelopment Schemes.
- 7) Notwithstanding anything contained in these regulations, the relaxations incorporated in Regulations No. 37 of these regulations shall apply for Housing schemes under this regulation for tenements under EWS/LIG and MIG categories. However, the front open space in no case shall not be less than 3.6 mt.
- 8) In any Redevelopment scheme where the Co-operative Housing Society/Developer appointed by the Co-operative Housing society has obtained No Objection Certificate from the MHADA/Nagpur Board thereby sanctioning additional balance FSI with a consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation) then it shall be obligatory for all the occupiers/members to participate in the Redevelopment Scheme and vacate the existing tenement for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provisions of section 95A of the MHADA Act mutatis mutandis shall apply for the purpose of getting the tenements vacated from the non co-operative members.
- 9) A corpus fund, as may be decided by MHADA, shall be created by the Developer which will remain with the societies for its maintenance.


(Pradeep Gohil)
Section Officer

Appendix 'U'
(Regulation 38)

Regulation for Low Cost Housing Schemes of the Maharashtra Housing and /area Development Authority for Economically Weaker Section (EWS) and Low Income Groups(LIG)

1. **Density -**

- a) Density shall be upto 450 tenements per net hectare having at least 60 percent tenements for EWS/LIG housing.
- b) Extra density of 20 percent over and above the normally permissible density will apply for such housing schemes, with 60 per cent tenements under the E.W.S. and L.I.G. categories.

2. **Minimum Plot Size -**

- a) In the case of a growing house on a plot of 25 sq.m., a room of minimum size of 5.57 sq.m. (60 sq.ft.) with toilet arrangement in the first phase shall be permitted. In the second phase, one room of 9.30 sq.m. (100 sq.ft.) may be allowed to be added. However commencement and occupation certificates shall be granted initially to the first phase only and subsequent certificate for second phase issued as required.
- b) **Multi-purpose rooms** - A multi purpose room shall be allowed with size upto 12.5 sq.m. with a minimum width of 2.4 m.
- c) **Cooking space (alcove)** - Provision of separate kitchen shall not be necessary. However, Cooking space shall be allowed with a minimum use of 2.4 sq.m. with minimum width of 1.2 m.
- d) **Combined toilet** - A combined toilet shall be permitted for more than one tenement with a minimum area of 1.85 sq.m. with minimum width of one meter,
- e) **Height** - the average height for a habitable room with sloping roof shall be minimum 2.6 m. with minimum height of 2 m. at the eaves. In the case of a flat roof, minimum clear height shall be 2.6 m. for a habitable room. Kitchen areas shall have minimum clear height/average height of 2.4 m. and bath and water closet (without loft) shall have a clear minimum height of 2.2 m.
- f) **Plinth** - The minimum plinth height shall be 30 cm. and in areas subject to flooding the plinth shall be higher than the high flood level.

- 3. **External walls** - 115 mm. thick external brick wall without plaster shall permitted.

4. **Staircases** - Single flight staircases without landing between the two floors shall be permitted.
5. **Front open space** - The front open space from roads having width of 9.14 m. and below shall be of a minimum of 1.5 m for buildings with height of upto 10 m.
6. **Open space (side and rear)** - The distance between two ground floor structures shall be of minimum of 4.5 m. for purposes of light and ventilation of habitable rooms. In case of toilets deriving light and ventilation from an open space, the distance between the two ground floor structures shall be a minimum of 1.5 m.
7. **Pathways**- The width of pathways shall be as follows -
 - i) 1.5 m width of pathways upto 20 m. in length.
 - ii) 2 m. width of pathways upto 30 m. in length.
 - iii) 2.5 m. width of pathways upto 40 m. in length.
 - iv) 3 m. width of pathways upto 50 m. in length.
8. **Flushing cistern** - In water closets, flushing cistern shall not be essential and toilets without this provisions may be permitted.
9. **Water closet pan size** - the water closet seat shall be of a minimum of 0.46 m. (18 inches) in length.
10. **Septic tank and leaching pits (soak pits)** A septic tank shall be provided with capacity of 141.6 liters (five cubic feet) per capita. Where the municipal services are likely to be available within four to five years or so, pour flush water seal latrines (NEERI type) shall be permitted where the municipal sewerage system is not available and the water table in the area is not high.
11. **Convenience shopping** - Convenience Shopping as defined in these Regulations shall be permitted along layout roads with width of 12.2 m. to 18.49 m. provided that a minimum set-back of 1.5 m. and a minimum plot area of 25.0 is available and is provided.
12. **Recreation Ground** - In the layouts, provisions for recreation ground shall be on the lines prescribed in these Regulations.
13. **Ancillary structures** - Ancillary structures such as permissible ground tank, overhead tank substations etc, shall be permissible in the compulsory recreation open space subject to the condition that not more than 10 per cent of such space shall be utilised for such purposes.
